

अ**साधारण**

EXTRAORDINARY

भाग II - खण्ड 2

PART II - Section 2

प्राधिकाः से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 22nd December, 2000:—

I

BILL No. XXXI of 1999

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This act may be called the Constitution (Amendment) Act, 1999.

Short title.

2. In article 171 of the Constitution:—

Amendment of article 171.

- (i) in clause (3) of sub-clause (c), the words "not lower in standard than that of a secondary school" shall be deleted;
 - (ii) for clause (5), the following clause shall be substituted, namely:—
- "(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience for a period of not less than ten years in respect of such matters as the following, namely:—

Agriculture, art, cinema, cooperative movement culture, education, engineering, environmental studies, finance, industry, information technology, law, literature, medicine, science and technology and social service.

Article 171 of the Constitution of India lays down the provisions for the composition of the Legislative Council of a State having such a Council.

Under sub clause (c) of clause (3) of said article, only those teachers who possess teaching experience of at least 3 years in Secondary Schools and above are eligible to vote in the elections to the Legislative Council from the teachers constituency. The principal objective of providing representation of teachers in the Legislative Council is inter alia to ensure that the problems of all categories of teachers could be effectively brought in the legislative forum for solution. But the law, as it stands, leaves a bulk of teaching community, namely, the teachers engaged in teaching primary classes, totally unrepresented in the Legislative Council.

Secondly, clause (5) of Article 171 provides for the nomination of a few members by the Governor of the State to the Council from amongst the persons having special knowledge or practical experience in matters like, literature, science, art, co-operative movement and social service. In view of the tremendous explosion of knowledge in several matters it is proposed to broad base the areas of various disciplines from which the Governor could nominate the members to the Legislative Council.

The Bill seeks to achieve these objectives by suitably amending article 171 of the Constitution.

P. PRABHAKAR REDDY

П

BILL No. XV of 2000

A Bill further to amend the Consitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This act may be called the Constitution (Amendment) Act, 2000.

2. In clause (2) of article 324 of the Constitution, after the words "be made by the President" the following words shall be added, namely:—

"on the recommendation of a Committee consisting of the Chairman of the Council of States, the Prime Minister, the Chief Justice of India, the Speaker of the House of the People and the Minister in charge of Law and Justice.

Short title.

Amendment of article 324.

In order to ensure that the decision and directions of the Election Commission which is entrusted with the function of conducting elections to Parliament and various Legislatures inspire confidence and receive universal approbation and acceptance by the various political parties and the vast majority of the electorate, it is considered essential to restructure the method of appointment of the members of the Election Commission who are presently appointed by the President on the recommendations of the Prime Minister. To keep the members of the Election Commission beyond the pale of political din, it is necessary that some of the top constitutional functionaries are involved in the selection process of the Chief Election Commissioner and other members of the Election Commission.

The Bill seeks to achieve this object through an appropriate amendment of article 324 of the Constitution.

P. PRABHAKAR REDDY

Ш

DILL NO. XXI OF 2000

A. Bill to provide for incentives for the promotion of small family norms and for matters connected therewith.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:---

- 1. (1) This Act may be called the Small Family Norms (Incentive) Act, 2000.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- (4) It shall apply to all India citizens including those who on the date of enforcement of this Act are residing outside India.
 - 2. In this Act, unless the context otherwise requires:—

(a) "appropriate Government" means in the case of a State, the Government of

Short title, extent,

commencement and

application

Definitions.

- (b) "family" means the husband, wife and two children including step-children; and
 - (c) "prescribed" means as prescribed by rules made under this Act.
- 3. If either husband or wife opts for sterilization after the birth of their first child, the family shall be entitled to the following facilities, namely:—
- (i) one time cash to both the husband and wife incentive of Rs. 5,000/- each by the appropriate Government;
- (ii) a two bed room flat at such subsidized cost as may be prescribed by the appropriate Government;
 - (iii) free education including higher and technical education;
- (iv) preference in service under the control of the Central Government or the Government of a State as per his choice to the child shall subject to his fulfilling the minimum requisite qualifications.

Facilities in case of sterilization after second child.

Facilities in case of

sterilization

after first child.

- 4. If either husband or wife opts for sterilization after their second child, the family shall be entitled to the following facilities, namely:—
- (i) a two bed room flat at such subsidized cost as may be prescribed by the appropriate Government;
- (ii) free education to both children upto higher secondary level in any institution of their choice:
- (iii) free higher education, including technical education to either of the children;
- (iv) preference in services under the control of the Central Government or the Government of a State of their choice to both the children shall subject to their fulfilling the minimum requisite qualifications.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

The basic problem facing the country is rapidly increasing population. Measures for family planning undertaken by the Government so far have not proved effective. It will be difficult to provide basic necessities to the rapidly increasing population and therefore, there is an immediate need to contain the growing propulation.

It is proposed that the norms of voluntary sterilization of all persons having one or two living children should be adopted to control the increasing population irrespective of caste, creed and religion to which they belong. This will be achieved if the incentives are provided to encourage small family norms.

The Bill seeks to provide certain facilities to those who adopt small family norms with a view to checking the increasing population.

P. PRABHAKAR REDDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for certain facilities like cash incentives, houses at subsidized rates, free education to the child in case either wife or husband opts for sterilization after their first child. Clause 4 provides for similar facilities in case either wife or husband opts for sterilization after their second child. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India in respect of the Union territories and in respect of Central Government employees. The expenditure in relation to States will be met out of the respective Consolidated Funds of the States. It is estimated that an annual recurring expenditure of about rupees four hundred crore is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

IV

BILL No. LXII of 2000

A Bill to provide for population control and for matters connected therewith.

Be it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

- 1. (1) This Act may be called the Population Control Act, 2000.
- (2) It extends to the whole of India except the State of Jammu & Kashmir.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.
- 2. In this Act, unless the context otherwise requires,—"appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government.
 - 3. It shall be duty of the Central Government to encourage, promote and motivate

Definitions.

Short title, extent and

commencement.

Contral

Facilities in case of sterilization after one child.

- 4. If either husband or wife having one child on the date of commencement of this Act, voluntarily undergoes sterilization, the appropriate Government shall provide the couple with the following benefits, namely:—
 - (i) free education including higher education to such child;
- (ii) suitable employment to such child after he/she completes his/her education; and
 - (iii) such other benefits as may be prescribed by rules made under this Act.

Population control to be a compulsory subject in secondary education. 5. In order to create an awareness of the dangers of the galloping population the appropriate Government shall introduce population control as a compulsory subject in all educational institutions for all children from ninth to twelfth class.

Maximum age for marriage.

6. No marriage shall be solemnized between a male who is less than twenty seven years of age, and a female who is less than twenty two years of age.

Government employees to undertake not to procreate more than one child.

- 7. (1) Any person who is serving in connection with the affairs of the Union or of State or in any undertaking or organization under the control of the Central Government or the State Government, as the case may be, and who has only one living child or who has not procreated any child or who is unmarried on the date of Commencement of this Act, shall give an undertaking that he shall not procreate more than one living child.
- (2) Any person violating the provision of sub-section (1) shall be subject to such disciplinary action as may be determined by the appropriate Government.

Penalty.

8. Any person who contravenes the provision of section 5 shall be punished with simple imprisonment for not less than five years and with fine which shall be not less than rupees twenty thousand.

Over-riding effect of the Act.

9. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

Rapid increase in the population has given rise to many socio-ecomomic problems like poverty, food and housing shortage, unemployment, environmental degradation, etc. We are the second highest populous country after China. If the present trend continues, it will not be possible for us to tackle the socio-economic problems which would be beyound control due to population explosion. It is, therefore, imperative that certain effective steps should be taken to check the increasing growth of our population. Since our resources are limited, proper upbringing of children is possible only if the size of the family is limited. Despite existence of various birth control measures and various family planning programmes, the problem of over population still remains.

The Bill, therefore, seeks to promote sterilization voluntarily among the eligible couples having one child, and also provides for certain measures like fixing the minimum age for marriages, promoting small family norms, introduction of population control subject in the school curricula for promoting small family norms in the future generation.

KARNENDU BHATTACHARJEE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain benefits to be given to those who undergo sterilisation voluntarily. Clause 5 provides for introduction of compulsory subject relating to population control in all educational institutions. The Central Government shall have to incur some expenditure for implementing the provisions of this Bill in respect of Union Government and the Governments of Union territories. The State Governments will incur expenditure in respect of their State out of their respective consolidated funds. The Bill, therefore, will involve an annual recurring expenditure of about rupees hundred crore out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

V

BILL No. LXXV of 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Constitution (Amendment) Act, 2000.
- (2) It shall come into force on such a date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 21 of the Constitution, the following article shall be inserted, namely:—

- "21 (I) The State shall provide free and compulsory education to all children upto the age of fourteen years.
- (2) The right to free the compulsory education referred to in clause (1) shall be in such manner as the State may from time to time, by law, determine."
 - 3. Article 45 of the Constitution shall be omitted.

Short title, extent and commencement.

Insertion of new article 21A.

Right to free and Compulsory education.

Omission of article 45.

At present there is no law in the country to ensure compulsory education amongst the school going children. Article 45 of the Constitution enjoins upon the Government to provide for free and compulsory education for all children upto the age of fourteen years, but being a part of the Directive Principles of State Policy, this article is not judicially enforceable in the Courts of Law. Of course, the Government both at the Centre and in the State have taken some steps to enforce the provisions of this article and encourage the school going children to attend the schools and other primary institutions for increasing the mass literacy. However, in actual practice not much has been achieved and and ignorance and illiteracy still continue to be the major problems of our society. The National Policy on Education, 1986 as modified in 1992 declares in unequivocal terms that free and compulsory education shall be provided to all children upto the age of fourteen years before we enter into 21st Century. This has also remained just a paper declaration and it is time that we should take up the matter with greater seriousness. In 1998 the Supreme Court, in a far reaching judgement has held that children of this country must have fundamental right to free and compulsory education upto the age of fourteen years. In the context of this judgement it is considered essential that educational rights of the citizens should be more appropriately included in the PART III of the Constitution which guarantees some basic fundamental rights to all the citizens of India.

Hence this Bill.

KARNENDU BHATTACHARJEE

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 21A in the Constitution of India to provide that the State shall provide free and compulsory education to all citizens upto the age of fourteen years.

- 2. The estimated financial expenditure to implement the aforesaid obligation is forty thousand crore rupees during the next five years. The estimated annual expenditure will be eight thousand crore rupees. The said expenditure shall be shared by the Union and States on the basis of sharing arrangements to be determined by a group of experts constituted for the purpose by the Ministry of Human Resource Development.
 - 3. No other recurring or non-recurring expenditure is likely to be involved.

VI

BILL No. LXIII of 2000

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fifty-first year of the Republic of India as follows:-

- 1. This Act may be called the Constitution (Amendment) Act, 2000.
- 2. For article 120 of the Constitution, the following article shall be substituted, namely:—
 - "120. Business in Parliament shall be transacted in Hindi or in English:
 Provided that the Chairman of the Council of States or Speaker of the
 House of the People, or person acting as such, as the case may be, shall—
 - (i) permit a member to give notice under different class of business in accordance with the Rules of procedure framed under article 118, in any of the languages specified in the Eighth Schedule;
 - (ii) permit any member who cannot adequately express himself in Hindi or in English to address the House in one of the languages specified in Eighth Schedule;
 - (iii) cause all business transacted in Parliament translated into all languages specified in the Eighth Schedule and circulate them to members; and
 - (iv) make available simultaneous interpretation facilities in all languages specified in the Eighth Schedule if and when any member addresses the House either in Hindi or in English or in any other language."

Short title.

Substitution of new article for article 120. Languages in which Business in Parliament to be transacted.

At present all business in Parliament as per the provisions of article 120 of the Constitution is transacted either in Hindi or in English. The presiding officer of either House of Parliament, that is, the Chairman of the Council of States or the Speaker of the House of the People as the case may be, may permit any member who cannot adequately express himself in Hindi or in English to address the House in his mother tongue. In such a case, however, there is no provision either in the Constitution or in the Rules of Procedure and Conduct of Business in either House of Parliament for simultaneous translation of the Member's speech into Hindi or English. The result is that the member's speech is not intelligible to his colleagues in the House and the remains outside the mainstream of Parliamentary proceedings and his speech cannot make any impact or any effective contribution to the Parliamentary business howsoever useful his speech, may be. In the interest of healthy Parliamentary tradition, it is desirable that whatever a member speaks should be rendered into Hindi, English and other national languages listed in the 8th Schedule of the Constitution.

Also, at present members are required to table notices under different provisions of the Rules of Procedure and Conduct of Business in Lok Sabha/Rajya Sabha either in English or in Hindi. Members who are not well versed in either language, are deprived from participating meaningfully in the debates.

With a view to develop sound parliamentary system and to afford and opportunity to members to participate in the debates and function as true Parliamentarians, it is proposed that—

- (i) simultaneous/interpretation facilities should be provided in all languages mentioned in the English Schedule; and
- (ii) members may be permitted to table notices in all languages specified in the Eighth Schedule.

Hence the Bill.

KARNENDU BHATTACHARJEE

FINANCIAL MEMORANDUM

The Bill seeks to provide for simultaneous interpretation and also translation facility in all languages specified in the Eighth Schedule to the Constitution. It also enables members to table notices in those languages.

This will involve some expenditure from the Consolidated Fund of India in respect of appointment of interpreters, translators, etc. It is likely that an annual recurring expenditure of about rupees two crore is to be involved.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved for making necessary arrangements in Parliament for simultaneous interpretation and making available translation in all languages.

VII

BILL No. LXI of 2000

A Bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

1. This Act may be called the Forest Conservation (Amendment) Act, 2000.

Short title.

Amendment

of Section 2.

69 of 1980. **2**.

- 2. In section 2 of the Forest (Conservation) Act, 1980 (hereinafter referred to as the principle Act),—
 - (i) in clause (a) of the Explanation, the words "or medicinal plants" shall be omitted.
 - (ii) the existing Explanation shall be numbered as Explanation I thereof and after Explanation I as so numbered, the following Explanation shall be inserted, namely:—
 - "Explanation II—In this section, the expression "forest land or portion thereof" shall not include bushes grown naturally.".
- 3. After section 2 of the principal Act, the following section shall be inserted, namely:—
- "2A. Notwithstanding anything contained in this Act or any other law relating to forests for the time being in force, no forest land or any portion thereof having grown or developed with medicinal plants shall be used for any forest or non-forest purpose as the case may be.".

Insertion of new section 2A.

Forest land containing medicinal plants not to be used for forest or non-forest purpose.

The Forest (Conservation) Act, 1980 is no doubt a very effective law to save our forest wealth. The Act helps to ensure adequate forest cover in the country in order to maintain ecological balance and to sustain rain fall. However over the years some difficulties have been experienced in implementation of provisions of this Act. Sometimes its implementation has resulted in hampering of developmental works. Even bushes grown naturally are considered as forest and lengthy formalities like getting approval of the Government has to be obtained for the use of such land. Hence this shortcoming is being rectified in this Bill.

Similarly Medicinal plants in the country are rare and they ought to be protected at any cost. Therefore, it is proposed that no forest land where medicinal plants have grown naturally or otherwise should be used for any purpose whatsoever except for the development of medicinal plants.

Hence this Bill.

R.S.GAVAI

VIII

BILL No. LXVIII of 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Constitution (Amendment) Act, 2000.
- (2) It shall come into force on such date as the Central Government may by Notification in the Official Gazette, appoint.

2. After article 16 of the Constitution the following article shall be inserted, namely,—

16A (1) Every citizen who has attained the age of eighteen years shall have the right to work and in the event of failure on the part of the state to provide him an employment, he shall be paid unemployment allowance till he is provided with gainful employment.

(2) For the purposes of clause (1) Parliament may be law provide for:—

- (a) different rates of unemployment allowances for illiterates, primary and middle passed, Matriculates, Graduates, Post Graduates, professionally qualified and others;
- (b) unemployment Insurance Scheme to be framed by the State so as to pay unemployment allowance therefrom and contributions to be made therein by different agencies including the beneficiaries.

Short title and commencement.

Insertion of new article 16A.

Right to work and unemployment allowance.

Right to life and liberty is meaningless without the right to livelihood. However, Part III of our Constitution guarantees certain fundamental rights, but the right to work does not find a place in the Constitution. In our democracy, millions of unemployed youth who are not looked after properly and left without employment and a source of livelihood, have developed frustration. In the present times, our youth have become restless and taken to ways of violence, robbery, dacoity and narcotics drug addiction. The level of unemployment among the youth is increasing and has created unrest, terrorism, violence and crime. It is therefore felt necessary to make the payment of unemployment allowance a fundamental right.

Hence this Bill.

RUMANDLA RAMACHANDRAIAH

IX

BILL No. LXVII of 2000

A Bill to provide for payment of old age allowance and provision of other rehabilitation facilities to old persons by the State and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- 1. (1) This Act may be called The Old Persons (Old Age Allowance and Rehabilitation) Act, 2000.
 - (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by Notification in the Official Gazette, appoints.
 - 2. In this Act, unless the context otherwise requires,—

Definitions.

Short title,

extent and commence-

ment.

- (a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;
- (b) "old person" means any person who has attained the age of fifty-five years or more; and
 - (c) "prescribed" means prescribed by rules under this Act.

Payment of old age allowance.

- 3. (1) Every old person shall, on an application made in the prescribed form and on the basis of such scrutiny as may be prescribed be paid rupees one thousand per month if he is alone and rupees one thousand five hundred if he has a spouse as old age allowance by the appropriate Government.
- (2) The allowance referred to in sub-section (I) shall be disbursed to old persons by the appropriate Government through Government Treasury or any branch of Nationalised Banks as may be prescribed.

Facilities to old persons.

- 4. It shall be the responsibility of the appropriate Government in their respective jurisdiction to provide to old persons,—
- (a) free medical aid in Government hospitals and other nearest dispensaries recognised by the appropriate Government;
- (b) either one room residential accommodation free of cost or accommodations in old age homes set up by the Government.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Ours is one of the largest populated countries and has undergone drastic socioeconomic changes in the recent past. It has been customary for every son to give all necessary comforts to his parents at old age and look after them honestly and sincerely. But due to change of time it has been noticed that younger generation generally ignore the parents at old age and they are left in miserable condition. More so, the present day economic conditions make it difficult to support the parents. As a result people without any source of income have to live in hunger and are left uncared. Our country being the welfare State, should provide social security to such old and infirm persons.

Hence this Bill.

RUMANDLA RAMACHANDRAIAH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the different rates to both husband and wife who have attained the age of fifty-five years or more. Clause 4 provides for Medical aid and facilities of free residential accommodation. The Bill if enacted would involve expenditure from the Consolidated Fund of India.

An annual recurring expenditure of about rupees five hundred crores is likely to be involved from Consolidated Fund of India. Similarly, a non-recurring expenditure to the tune of one hundred crore at the initial stage will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

X

BILL No. LXIX of 2000

A Bill to provide for the abolition of child labour in employment and matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Child Labour in Employment Act, 2000.

Short title and extent.

- (2) It extends to the whole of India.
- 2. In this act unless the context otherwise requires:—

Definitions.

- (a) "appropriate Government" means in the case of a State the State Government and in all other cases the Central Government.
 - (b) "child" means a person who has not completed eighteen years of age.
- (c) "employer" means a person who engages a child in a job or employment and who has the ultimate control over the affairs of an establishment including shops where works such as domestic, agricultural or any other works are carried out.

Abolition of Child Labour.

3. Child labour in any form of employment is hereby abolished.

Punishment for employers of Child Labours. 4. Whosoever engages a child in any employment shall be punished with imprisonment for a term which shall not be less than five years or with the fine which shall not be less than fifty thousand rupees, or with both.

Punishment for Police officers.

5. If a Police officer responsible for registering cases for violation of the provisions of this act, refuses to register a FIR for an offence punishable under this act, he shall be punished with imprisonment of two years or with a fine of two thousand rupees, or with both.

Savings.

6. The provisions of this act or rules made thereunder shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

7. The Central Government may, make rules for carrying out the provisions of this Act.

Although article 24 of the Constitution prohibits the employment of children below fourteen years of age in any factory or mine or engaged in any hazardous employment, a number of children are forced by the parents to go in for work and the industrialists employ them on meagre salary as a result of which these children are thus deprived of education because of poverty. It is the duty of the Government to provide free and compulsory education upto the age of fourteen years under article 45 of the Constitution. Thus our children are forced to work by their parents. It is also a matter of grave concern that children are forced to beg by their parents, guardians, gangleaders and others.

There are a number of industries where children are engaged in work like glass factories, carpet factories, domestic servants, shops and agricultural labour. The rules or acts so far in force have no effect as they do not give any deterrent punishment for employment of children in jobs and the number of child workers in various jobs has continued to increase during the last fifteen years. Therefore it is high time that child labour in any form is completely abolished in the country and this will give a rise in forcing the parents to send their children to school and thus illiteracy will be removed in the country. It will also help the child to develop and take active part in the welfare of the country.

Hence this Bill.

RUMANDLA RAMACHANDRAIAH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. The rules will relate to matters of detail only.

The delegation of legislative power is therefore of a normal character.

XI

BILL No. LXVI of 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

(2) It shall come into force at once.

Short title and commencement.

Amendment of article 85.

- 2. In article 85 of the Constitution, in clause (1),—
 - (a) for the words "six months" the words "three months" shall be substituted; and
 - (b) the following proviso shall be added at the end, namely:—

"Provided that the House of the People and the Council of the States shall remain in Session and transact Parliamentary business for not less than one hundred and sixty days in a calendar year."

3. In article 123 of the Constitution, to clause (1) the following proviso shall be added, namely:—

Amendment of article 123.

"Provided that no Ordinance shall be repromulgated nor any Ordinance reproducing substantially the provisions of a repealed or lapsed Ordinance shall be promulgated within a period of three years from the date of the promulgation of the earlier Ordinance."

Amendment of article 174.

- 4. In article 174 of the Constitution, in clause (1),—
 - (a) for the words "six months" the words "three months" shall be substituted; and
 - (b) the following proviso shall be added at the end, namely:—

"Provided that the House or each House of the Legislature, as the case may be, shall remain in Session and transact business for not less than one hundred and twenty days in a calendar year."

Amendment of article 213.

5. In article 213 of the Constitution, in clause (1) after the existing proviso the following proviso shall be added, namely:—

"Provided further that no Ordinance shall be repromulgated nor any Ordinance reproducing substantially the provisions of a repealed or a lapsed Ordinance shall be promulgated within a period of three years from the date of the promulgation of the earlier Ordinance.".

In our country Parliament at the Union level and the Legislature at the State level are the law making bodies. In the Parliament and the State Legislature not only laws are enacted but other issues of public importance are also discussed through questions, resolutions, motions, calling attention motions, short duration discussions etc. Through these discussions, ways and means to solve the national and local problems are found. These legislative bodies put a check on the Executive also. The performance of the Government is also assessed through various ways such as while passing the budgetary grants or discussing no-confidence motion etc. At the Union level, Rajya Sabha also discusses the working of various Ministries.

All these require a lot of time in the Parliament. But unfortunately the duration of Parliament is curtailed very systematically. The Session period is being reduced consistantly since the Sixties, particularly after the sad demise of our first Prime Minister Pandit Jawaharlal Nehru. It was in the year 1956 when the Parliament sat for 165 days in one calendar year. Thereafter the number of sittings has been drastically reduced. As a result even the legislative business is not completed in the life of one Lok Sabha. The working of some of the important Ministries like Finance, Defence etc. is never subjected to the discussion in the Parliament.

As a result the importance of Parliament has been minimised. The business is rushed through in a hurry without proper or thorough consideration of a measure. As such, the highest institution of our democracy has been virtually reduced to the status of a stamping authority. We ought to give a serious thought in assigning to the Parliament the role of the most effective institution for conducting the affairs of the nation.

The position in the States become more alarming. Sessions are summoned for 1 or 2 weeks or even for 2 or 3 days. This tendency facilities the State Governments to govern the States by ordinances. A study reveals that article 213 has been misused by the States on several occasions. If an Ordinance lapses on technical reasons it is repromulgated repeatedly. For example, the Bihar Sugarcane (Regulation of Supply and Purchase) Ordinance which was first promulgated on January 13, 1968, and repromulgated thereafter as many as thirty eight times until the 31st December, 1981, covering a span of about 14 years. What was meant to cope with an emergency situation has become a general rule of practice. This tendency is spreading to other States also but, fortunately, the Union Government has not been affected so intensely yet except on a few occasions when it took to questionable recourse to promulgation of an Ordinance.

Hence, it is proposed in this Bill to fix the minimum days of sittings for the Parliament and State Legislatures in calendar year and restrict the scope of misusing the Ordinance promulgating power of the respective Governments.

Hence, this Bill.

XII

BILL No. LXIV of 2000

A Bill to prohibit the slaughter of cow and its progeny to increase the milching and other livestock of the nation and to respect the religious sentiments attached with the Cow of the largest segment of the citizens of the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Cow Slaughter Act, 2000;

(2) It extends to the whole of India;

(3) It shall come into force at once.

2. In this Act unless the context otherwise requires, "cow" includes a bull, bullock, ox, heifer or calf.

3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom or dietary habits to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow at any place.

4. No person shall sell or offer for sale or cuase to be sold beef or beef products in any form.

5. Whoever slaughters a cow or sells beef or beef products shall be punished with imprisonment which shall not be less than three years but may extend to ten years and with fine which shall not be less than rupees twenty five thousand but may extend to rupees one lakh.

6. It shall be the duty of the Central and State Governments to establish such number of Gaushalas as may be required to keep stray and old cows therein and to look after them and provide them with adequate fodder and medicinal care on regular basis.

Short title, extent and Commence-ment.

Definition.

Prohibition of slaughter of Cow.

Prohibition of sale of

Penalty.

beef.

Central and State Governments to set up Gaushalas for stray and old cows.

Article 48 of our Constitution enjoins upon the State to organise agriculture and animal husbandry on modern and scientific lines and take steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves. This directive has been given by the Constitution and more so cow is considered sacred as "Gaumata" by the believers of the Hinduism as, according to Hindu mythology, cow is the mother of Lord Vishnu. Religious sentiments of overwhelming section of the society are, therefore, also attached with cow.

The origin of the demand for banning of slaughter of cow in our country, sought for by several social and religious leaders form time to time, can be tracked back even in the freedom movement of India from colonial British rule in the middle of 19th Century and Acharya Vinobha Bhabe in the recent past. The freedom movement, known in the history as the Namdhari or Kooka movement, launched by Guru Ram Singh at Bhaini Sahib, a village in Ludhiana district, on Baisakhi day in 1858, under the shadow of the "Sepoy Musiny" was primarily aimed at religious and social reform. During the middle of January, 1872, several participants of the Kooka movement were blown off from cannon mouth at Malerkotla by the British officers for the offence of attacking the fort of Pathan Nawab and demolishing of a cow slaughter house.

Moreover to increase milk production, bullock power in rural parts and natural manure in the country it becomes necessary to ban cow slaughter completely throughout the country.

Hence, this Bill.

S.S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that Central Government shall establish required number of Gaushalas for providing shelter to stray and old cows. The Bill, if enacted, will involve expenditure from the consolidated fund of India. It is estimated that a sum of rupees twenty crores may involve as recurring expenditure per annum.

A non recurring expenditure of rupees sixty crores may also be involved.

ХШ

BILL No. LXV of 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

(2) It shall come into force with immediate effect.

2 In amiala 242 af the Country in

2. In article 343 of the Constitution,—

(i) in clause (1) for the words "the international form of Indian numerals" the words "the Devanagari form of numerals" shall be substituted;

(ii) in clause (3) for sub-clause (b) the following sub-clause shall be substituted namely:—

- "(b) the international form of Indian numerals".
- 3. In article 348 of the Constitution.—
 - (i) in clause (1),—

of artic 348.

Amendment

- (a) in sub-clause (b) para (iii) for the words "shall be in the English language" the words "shall be in the Hindi language in Devanagari script" shall be substituted:
 - (b) the following proviso shall be inserted at the end, namely:—

"Provided that the President may, by order, authorise the use of the English language for any of the purposes referred to above for a limited period as may be specified in the Order.". Short title and commencement.

Amendment of article 343.

- (ii) the proviso to clause (2) shall be omitted.
- (iii) for clause (3) the following clause shall be substituted, namely:—
- "(3) Where the Legislature of a State has prescribed any language other than the Hindi language in Devanagari script for use in Bills introduced in, or Acts, passed by, the Legislature of the State or in Ordinances promulagated by the Governor of the State or in any order, rule, regulation or bye-law referred to in paragraph (iii) of sub-clause (b) of clause (l), a translation of the same in the Hindi language in Devanagari script or in the English language published under the authority of the Governor of the State in the Official Gazette of that State shall be deemed to be the authoritative text thereof in the Hindi language in the Devanagari script or in the English language, as the case may be, under this article."

Amendment of article 351.

- 4. (1) Article 351 of the Constitution shall be re-numbered as clause (1) of that article and in clause (1) as so re-numbered after the words "the spread of Hindi language" the words "at the national and inter-national levels" shall be inserted.
- (2) after clause (1) as so re-numbered the following clause shall be inserted, namely:—
 - "(2) For the proper development of the Hindi language at the national and international levels it shall be the duty of the Union to open free Hindi language teaching centres at appropriate places in all the non-Hindi speaking States in the country, and in all the Indian diplomatic missions abroad and start Hindi interpretation services there at and institute awards for learning Hindi by non-Hindi speaking people to secure the desired objectives in this regard."

Hindi language in Devanagari script is the official language of our country and it deserves that position because it is spoken by majority of the people in the country. Hindi is the link language to all the Indian languages because it is understood throughout the country from Kashmir to Kanya Kumari. In some States it is opposed due to political reasons only otherwise it is a well known fact that in Hindi language examinations held at various places in the country, the top positions are always obtained by the students belonging to non-Hindi speaking areas. The founding fathers of our Constitution made Hindi as the Official language but provided that for official purposes English language shall continue only for fifteen years from the commencement of the Constitution. It is a matter of regret that the English language, even after the forty-two years of the commencement of the Constitution is still sitting like an octopus over Hindi. When we could not restore the due place to our official language Hindi during the last four decades naturally it has hindered the development of various other Indian languages. It also hampers wider and broad based active participation by the citizens in the democratic, administrative and judicial processes of our country. The use of the English language in courts and other places has led to the exploitation of our poor and illiterate masses by the lawyers and authorities in the Administration.

Therefore, time has come to see that Hindi gets its due place in all the fields such as judicial, legislative and administrative fields in the country. Fifteen years time for use of English has elapsed long ago and now Hindi must replace English at all levels. There is no doubt that Hindi can be used for all Official purposes and its exclusive use in Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan, Haryana and Himachal Pradesh have shown that there is no difficulty in using Hindi as official language. Only determined will and efforts of the people and the Government are required in this direction. In the beginning non-Hindi States may face difficulty but they can use their own language for all official purposes but such States must decide not to use English as official or primary language. It should be used as secondary language. Moreover, it will be impractical to abolish English in one go. Threfore, it may be used to the extent necessary and unavoidable till Hindi is accepted by one and all in the country. The Union has to play a vital role in this direction by opening Hindi teaching centres in all the non-Hindi speaking States and in all the diplomatic missions abroad. Hindi interpretation Service may also be introduced there. All these steps may, achieve the desired results.

Hence, this Bill.

S.S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that Central Government will open free Hindi language teaching Centres at various places for the proper development of Hindi. Clause 4 also provides for starting Hindi interpretation services at all diplomatic Centres and instituting awards for learning Hindi. Therefore, the Bill if enacted would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one crore per annum.

A non recurring expenditure of rupees Twenty lakhs is also likely to be involved.

XIV

BILL No. LXXVIII of 2000

A Bill to provide for the establishment of a permanent bench of the High Court of Karnataka at Dharwar.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- 1. (1) This Act may be called the High Court of Karnataka (Establishment of a Permanent Bench at Dharwar) Act, 2000.
 - (2) It shall come into force at once.
- 2. There shall be established a permanent bench of the High Court of Karnataka at Dharwar and such Judges of the High Court of Karnataka, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Dharwar in order to exercise the jurisdiction and powers for the time being vested in that High Court in respect of cases arising in Dharwar district and adjoining areas.

Short title and commencement.

Establishment of a
Permanent
Bench of the
High Court
of Karnataka
at Dharwar.

*Recently Karnataka witnessed violent protest demanding establishment of High Court Bench at Dharwar District of North Karnataka. The agitation escalated to the extent that there was a demand to split the State into two States. The people of the area are agitated on this vital issue.

*There is an urgent need for setting up of a High Court Bench in North Karnataka. In March 1992, both the Houses of the Karnataka Legislature had unanimoulsy passed a resolution urging Government of India to establish a permanent Bench of the High Court in North Karnataka area.

*In Maharashtra, M.P., Tamil Nadu and U.P., Benches of respective High Courts have been set up away from their principal seats and no percetible deterioration in judicial standards have been noticed as the same judges and lawyers are dispensing Justice.

*Establishing new benches of High Courts needs to be stressed and not viwed in context of narrow demographic or any other such criteria but with a view to dispensing Justice by considering the size of population and number of cases pending in different High Courts.

*Today with an increase in population we have started carving out new States within the States for the convenience of the people and administration and on the same principle High Court Benches, wherever, necessary for the litigants and in the interest of justice, should be established.

*Recently, the Chief Minister of Karnataka led a delegation of all party leaders and presented a Memorandum to the Prime Minister regarding establishing a High Court Bench at Dharwar. Now the Government should reciprocate and establish a permanent bench of Karnataka High Court at Dharwar.

Hence, this Bill.

K. B. KRISHNAMURTHY

XV

BILL No. LXXIV of 2000

A Bill to protect the women and girls from domestic violence of various kinds including physical and mental violence by providing deterrent punishment for such violence and to help the victim women or girl to move out from her house to a safer place and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- 1. (1) This Act may be called The Prevention of Domestic Violence against Women and Girls Act, 2000.
 - (2) It extends to the whole of India.
 - (3) It shall come into force with immediate effect.
 - 2. In this Act, unless the context otherwise requires,—

Definitions.

Short title,

extent and commence-

ment.

- (a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;
- (b) "domestic violence" includes beating and such other physical torture, sexual abuse, non providing of money for personal expenses, emotional blackmail, abusing and using foul language and psychological abuse of a woman or girl in the household;

- (c) "prescribed" means prescribed by rules made under this Act:
- (d) terms and phrases used but not defined in this Act but defined in the Indian Penal Code 1860 shall have the same meaning assigned to them in the said Act.

45 of 1860.

Prohibition of domestic violence against woman and girl.

- 3. (1) Notwithstanding anything contained in any other law for the time being in force, domestic violence against any woman or girl, as the case may be, is hereby prohibited.
- (2) Whoever contravences the provisions of sub-section (1) shall be guilty of an offence under this Act.

Penalty.

4. Whoever .---

- (a) beats or inflicts physical torture of the nature of hurt on any woman or girl in the household shall on conviction in a court of law, be punishable with imprisonment for a term which shall not be less than two years but may extend to five years and also with fine which may extend to ten thousand rupees;
- (b) causes grevious hurt to any woman or girl in his house shall on conviction in a court of law, be punishable with imprisonment which shall not be less than five years but which may extend to ten years and with fine which may extend to one lakh rupees;
- (c) indulges in sexual violence against the woman or girl in his house notwithstanding his relation with such a woman or girl, as the case may be, and also sexually exploits the women or girl shall on conviction in court of law, be punishable with imprisonment for life;
- (d) indulges in emotional blackmail or psychological abuse or abuses or uses foul language against any woman or girl in his house shall on conviction in a court of law, be punishable with imprisonment which may extend to six months and with fine which may extend to twenty five thousand rupees.

Right of the woman or girl to move out of house for safety.

- 5. (1) The appropriate Government shall set up such number of short stay homes as it may deem necessary for the purposes of this Act.
- (2) Any abused woman or girl, as the case may be, under this Act shall have the right to move out of her house with bag and baggage to a safer place or short stay home for her safety.

Appointment of Special Protection Officers.

- 6. (1) For the purposes of this Act, the appropriate Government shall appoint such number of Special Protection Officers as it may deem necessary, in such manner as may be prescribed.
 - (2) The Special Protection Officer shall be responsible for,—
 - (i) assisting the abused woman or girl to remove her belongings from her house to a safe or short stay home set up under this Act;
 - (ii) coordinating the functioning of various Government and non Governmental Organisations providing medical, legal counselling and other services to the women and girls who are victims of domestic violence;
 - (iii) such other responsibilities as may be prescribed.

Savings

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

- 8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) The appropriate Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of section 5(1) and 6 (1) of the Act.

Domestic violence inflicted on women and girls over the years through heinous practices Domestic violence in a family can be more than physical. It is increasingly taking a non-verbal form as well. Often it is simply a lack of concern, support and care for the women.

Though sections 498A and 304B of the IPC cover aspects of domestic violence, however, justice through these laws takes time and the woman is not immediately removed from potentially dangerous situation. Moreover, in cases where the violence is extreme and unbearable, judicial separation does not necessarily grant immediate safety. Most of the women who undergo such violence neither want divorce not go to a criminal court complaining against such abuse which brings more harassment to the victim. It often ends up with more beatings and physical punishments. There is right now no remedy for domestic violence. So the Bill if implemented can certainly be effective.

Hence, this Bill.

SANTOSH BAGRODIA

FINANCIAL MEMORANDUM

Clause 5 Provides that appropriate Government shall set up such number of short, stay homes for the purposes of this Act. Clause 6 provides for the appointment of Special Protection Officers. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of Rupees one hundred crore may involve as recurring expenditure per annum.

A sum of Rupees Two hundred crores may also involve as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of this Bill which will relate to matters of details only.

The delegation of legislative power is of normal character.

XVI

BILL No LXXIII of 2000

A Bill to prohibit the sale and possession of shahtoosh shawl which is made from the wool of an endangered wild animal found in the Himalayas and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- 1. (1) This Act may be called the Shahtoosh Shawl (Prevention of Sale and Possession) Act, 2000.
 - (2) It extends to the whole of India.
 - (3) It shall come into force at once.
 - 2. The sale and possession of shahtoosh shawl is hereby prohibited.

extent and commence-ment.

Prohibition

of sale and possession of shahtoosh

Short title,

3. Whoever contravenes the provisions of section 2 shall be punishable with imprisonment which may extend to one year or with fine which may extend to one lakh rupees or with both.

shawl. Penalty.

4. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 the offence under this Act shall be cognizable and non bailable.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Offence to be cognizable and non bailable. Overriding effect of the Act.

2 of 1974.

The possession of and trade in Shahtoosh is an offence. The Central Government doesn't allow trade in Shahtoosh, but Jammu & Kashmir Government has been holding out since its craftsmen weave the shawls. According to the law, a Shahtoosh shawl can be possessed only after an ownership certificate is provided for it. So far no one in the country has been issued an ownership certificate for possession of a Shahtoosh shawl. The wildlife Act and the law governing Shahtoosh shawl therefore give a complex inference. So it is high time to enact new law to ban the sale and possession of Shahtoosh Shawl.

Hence the Bill.

SANTOSH BAGRODIA

XVII

BILL No. LXX of 2000

A Bill to provide for the payment of unemployment allowance to the unemployed persons and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Unemployment Allowance Act, 2000.

Short title, extent and commence-ment.

- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and Union Territories.
 - 2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "allowance" means the monthly payment to be made to an unemployed person under This Act;

- (b) "unemployed person" means any adult person who has no ostensible means of livelihood and whose name is registered in an employment exchange;
 - (c) "prescribed" means prescribed by rule made under this Act.

Payment of allowance to unemployed persons.

- 3. (1) Every unemployed person shall be entitled to the payment of a monthly allowance at a rate and subject to such conditions as may be prescribed after consulting the Governments of the States and Union Territories by the Central Government.
- (2) While fixing the rates of allowance under sub-section (1) educational qualification, skill, experience and other relevant conditions of the unemployed person shall be taken into consideration.

Expenditure on unemployment allowance to be shared by Central and State Govts.

4. The Central Government shall bear eighty percent of the total expenditure incurred on the payment of allowance under this Act and the rest of the expenditure shall be met by the respective State Governments and Union Territory Administrations.

Power to make rules.

- 5. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—
 - (a) the maximum and minimum amount of allowance payable under section 3 depending on the qualification and other relevant conditions of the applicant.
 - (b) manner of making application for payment of allowance;
 - (c) requirements for an applicant for being eligible for receiving allowance such as educational qualifications skill, experience, etc.
 - (d) such other matters which may be necessary to prescribe for carrying out the provisions of this Act.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session of the successive sessions aforesaid, both Houses agree in making any modification in the rules or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

The problem of unemployment has assumed alarming situation in our Country particularly in rural areas of economically backward regions. This has caused and is causing aggravated frustration amongst younger generation. Their energy is not being utilised for building the Nation. They, driven to extreme desperation and deprivation, take to the path of violence and crime. Empty sermons of morality, ethics, nationalism, religious discourses and pious assurances of social, political and religious leaders are unable to check the trend of youth taking to violence and criminality. It is imperative for the political leadership of the country to take urgent corrective measures to generate, employment opportunities for the youth but in the nature of things it is a long process before projects and schemes throw up adequate employment opportunities to the young men and women. Alternative to this is that the country should bear the burden of paying some unemployment allowance to the unemployed persons till they get employment enabling them to earn their daily bread. The Bill seeks to achieve this objective.

DIPANKAR MUKHERJEE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall bear eighty percent expenditure incurred on payment of unemployment allowance. The Bill if enacted will involve expenditure from the Consolidated Fund of India on account of unemployment allowance to be paid to the unemployed persons. It is however difficult to estimate accurately, at this stage, the likely expenditure involved. On rough estimate, the recurring expenditure will be to the tune of rupees two thousand crore. No non-recurring expenditure is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame rules to carry out the provisions of the Bill. The rules will relate to matters of details only. The delegation of legislature power is of normal character.

R. C. TRIPATHI, Secretary-General.